

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNIVERSITAS EDUCATION, LLC,  
Petitioner/Judgment Creditor  
vs.  
AVON CAPITAL, LLC,  
Respondent/Judgment Debtor,  
ASSET SERVICING GROUP, LLC,  
Respondent, Garnishee,  
SDM HOLDINGS, LLC,  
Respondent/Garnishee,  
and  
AVON CAPITAL, LLC, a Wyoming Limited  
Liability Company,  
Intervenor.

Case No. 14-FJ-05-HE

**PETITIONER’S MOTION TO STRIKE SDM HOLDINGS, LLC’S MOTION TO  
QUASH GARNISHMENT AND REQUEST FOR SANCTIONS UNDER RULE 11  
OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Federal Rule of Civil Procedure 11 prohibits the use of improper motion practice. Federal Rule of Civil Procedure 11 (b)(1) specifically requires that a filing “is not presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.” Every issue addressed in SDM Holdings, LLC’s (“SDM”) Motion to Quash is also addressed in SDM’s Motion for Summary Judgment and SDM’s Opposition to Petitioner’s Motion for Summary Judgment. [Docs. # 192, 197]. It is unclear

what purpose SDM could hope to accomplish by filing the same argument three times, other than “to harass, cause unnecessary delay, or increase the cost of litigation.” SDM is managed by Kathy Kehoe. [Doc. # 115-5]. Ms. Kehoe is an associate and employee of Daniel Carpenter. *See United States v. Carpenter*, 190 F. Supp. 3d 260, 280 (D. Conn. 2016). Mr. Carpenter and his associates have a demonstrable history of filing motions solely to “harass, cause unnecessary delay, or increase the cost of litigation.” *See e.g., Universitas Educ., LLC v. Nova Group, Inc.*, Nos. 11-cv-1590 and 11-cv- 8726, 2013 U.S. Dist. LEXIS 142481, at \*11 (S.D.N.Y. Sep. 30, 2013) (“...indicates that [Nova Group, Inc.’s] re-filing of the motion to dismiss was in bad faith and with a motive to delay, harass, or needlessly increase the cost of litigation.”). Petitioner respectfully asks that this Court strike SDM’s Motion to Quash pursuant to Federal Rule of Civil Procedure 11. *See Williams v. Baldwin County Comm’n*, 203 F.R.D. 512, 515 (S.D. Ala. 2001) (“[A] district court may strike repetitive filings under Federal Rule of Civil Procedure 11.”). Petitioner also requests that this Court find that SDM’s motion was filed in bad faith, in violation of Federal Rule of Civil Procedure 11, and that Petitioner be awarded reasonable attorneys’ fees and costs for filing its response.

/s/ Joseph L. Manson III  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of March 2020, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the following ECF registrants on record:

John D. Stiner  
Joseph H. Bocock  
Alan Rupe  
Gerald Green  
Melvin McVay  
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Nanette Kalcik

/s/ Joseph L. Manson III\_\_\_\_\_